

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTONIO PENA,

No. C-06-4270 MMC

Plaintiff,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

v.

ELI LILLY AND COMPANY, et al.,

Defendants

Before the Court is the parties' Joint Case Management Conference Statement,¹ filed October 5, 2006, by which the parties seek to vacate the October 13, 2006 case management conference or continue the conference by approximately 120 days. The parties seek vacatur or continuance because the Judicial Panel on Multidistrict Litigation has directed the Clerk of the Eastern District of New York to file an order transferring the instant action to that court for inclusion in MDL No. 1596, In re Zyprexa Products Liability Litigation.

Accordingly, for good cause shown, the October 13, 2006 case management conference is hereby VACATED.

IT IS SO ORDERED.

Dated: October 6, 2006


MAXINE M. CHESNEY
United States District Judge

¹Defendant Gary Levinson, M.D., has not appeared. The 120-day deadline for plaintiff to serve said defendant remains in effect. See Fed. R. Civ. P. 4(m).